THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.27414 of 1997

Dated:30.07.2007

Between:

A.Ramakrishna Reddy S/o Gopal Reddy and others.

..... PETITIONERS

AND

The Jubilee Hills Cooperative House Building Society Ltd., Jubilee Hills, Hyderabad, rep., by its President and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.27414 of 1997

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not allotting alternative plots to the petitioners in lieu of Plot Nos.443-A/33, 443-A/34, 443-A/35, 443-A/44, 443-A/47, 443-A/48, 443-A/49 and 443-A/51 allotted to the petitioners but could not be delivered to them, as arbitrary and illegal, and for a consequential direction to the respondents to allot alternative plots to the petitioners from the open space admeasuring Ac.1.35 cents situated to the north of Road No.45, Jubilee Hills in lieu of the plots allotted to the petitioners in phase No. III on 21.07.19898 by the first respondent society.

When the writ petition is taken up for hearing, learned counsel for the petitioners submitted that in similar writ petition, being W.P.No.32756 of 1998, this Court observed that the petitioner therein

shall be provided with alternative plot as directed by the Arbitral Tribunal and accordingly, held that mandamus shall be issued directing the first respondent society to allot an alternative plot to the petitioner at the earliest without reference to any draw. However, at that juncture, learned counsel for the petitioner therein, submitted that if there are no plots available with the society, no fruitful purpose would be served even if a writ of mandamus is issued by this Court, because the society would come forward and say that no plots are available. Hence, he requested this Court to permit the petitioner therein to give a representation to the Government to consider her case for allotment of alternative plot. In the light of the said submission, this Court disposed of the said writ petition granting liberty to the petitioner therein to give a representation to the Government for alternative plot, and if any representation is given, the Government shall consider the same and pass appropriate orders.

As the facts in the said writ petition are similar to this writ petition, this Court is of the view that this writ petition also can be disposed of in the same lines.

Accordingly, the writ petition is disposed of granting liberty to the petitioner to give a representation to the Government for alternative plot, and if any such representation is given, the Government is directed to consider the same and pass appropriate orders. There shall be no order as to costs.

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30.07.2007

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